Crl. Rev. No. 04-D of 2004
Hon'ble Irshad Hussain, J.

Heard Sri K.S.Verma learned counsel for the revisionists.

This is a revision under section 397/401 of the Code of Criminal Procedure (hereinafter referred as the 'Code') against the impugned order passed on the application under section 156(3) of the 'Code' whereby the learned Magistrate directed the matter to be investigated by the police. The allegation is contained in the application under section 156(3) of the 'Code' which reveal that the wife had been assaulted and she was made to sustain injuries. The copy of the injury report, Annexure-5 reveal that the wife Smt. Sabita had sustained even an incised would besides the other injuries on her person.

Considering this it is evidence that prima facie case was made out on the basis of the allegations and therefore the learned Magistrate was fully justified in directing for registration and investigation of the case. The impugned order does not suffer from any illegality and impropriety. Hence the petition is dismissed in limine.

(Irshad Hussain, J.)

Dated: 25-3-2004
ISB